

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOMMY LEE FARR

Plaintiff,

Case No. 18-11092

v.

U.S. DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

O'BELL WINN ET AL,

Defendant.

**AMENDED ORDER GRANTING MOTION TO WITHDRAW AS
PLAINTIFF'S COUNSEL AND REFERRING PLAINTIFF FOR
APPOINTMENT OF COUNSEL**

On September 26, 2022, Plaintiff's counsel Daniel Manville moved to withdraw as Plaintiff's counsel. [ECF No. 83].

The Court's local rules permit counsel to withdraw from representation by order of the Court. E.D. Mich. R. 83.25 (b)(2). The decision to grant or deny an attorney's motion to withdraw as counsel is within the discretion of the district court. *U.S. Sec. and Exchange Commission v. Merklinger*, 2009 WL 3498721 at *2 (E.D. Mich. 2009) (*citing United States v. Iles*, 906 F.2d 1122, 1130 n. 8 (6th Cir. 1990)).

The factors to consider in evaluating a motion to withdraw include: "(1) the timeliness of the motion; (2) the adequacy of the court's inquiry into the matter, (3) the extent of the conflict between the attorney and client and whether it was so great

that it resulted in a total lack of communication preventing an adequate defense; and (4) the balancing of these factors with the public's interest in the prompt and efficient administration of justice.” *Id.* (citing *United States v. Mack*, 258 F.3d 548, 556 (6th Cir. 2001)); see also *Maznarich v. Morgan Waldron Ins. Management LLC*, 2012 WL 487963, at *3 (N.D. Ohio 2012) (denying motion to withdraw where “counsel's withdrawal would be unfairly prejudicial” and “amount to strategically timed or coercive behavior”).

Based on Plaintiff's counsel's representations to the Court, he is unable to continue representing Mr. Farr due to medical reasons. The interests of justice will be served by allowing Mr. Manville to withdraw at this time because his withdrawal will not cause undue delay with these proceedings nor unfairly prejudice any party.

The Court has determined that Plaintiff would benefit from the assistance of counsel. Accordingly, the Court will endeavor to obtain *pro bono* counsel for Plaintiff.

For the reasons discussed herein the Court will **GRANT** Mr. Manville's Motion.

IT IS ORDERED that this matter is referred to the Court's *pro bono* counsel program for the appointment of counsel. The case will be stayed for a period of 60 days, while the Court attempts to obtain pro bono counsel. If pro bono counsel is

not obtained within 60 days, the stay will be lifted, and the plaintiff will proceed *pro se*.

IT IS SO ORDERED.

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: January 26, 2023

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
January 26, 2023, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager